



City of Hampton, VA
Zoning Notice of Action
City Council – Regular Meeting

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

*Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II,
Turner M. Spencer, Rhet Tignor, Ross A. Kearney, II, Mayor*

Staff:

*Jesse T. Wallace, Jr., Interim City Manager
A. Paul Burton, City Attorney
Katherine K. Glass, Clerk of Council*

APRIL 27, 2005, 7:30 P.M.

TO: City Attorney, City Assessor, Codes Compliance, Economic Development, Planning Department, City Engineer and Public Works

05-0199 Rezoning Application No. 1199 by Michael H. Nuckols to amend proffers of Rezoning Case #1052 for 9± acres at 5 Libby Street and 108 Carnegie Street. The property is zoned Limited Commercial District (C-2) with conditions and allows hotel, office and retail uses. The 2010 Comprehensive Plan recommends public/semipublic uses for this area.

ACTION: **Approved** as amended on second and final reading, subject to the following eleven (11) conditions:

1. Permitted uses shall be limited to hotels, motels and/or restaurants.
2. Regardless of use, the requirements of proffered conditions #3-7 shall be applied to the site as an entirety and not to individual parcels that may be created from the site by subdivision, ground lease, condominium, or other legally recognized form of ownership or interest. The development of the site may be phased with each phase subject to the following conditions:
3. Existing billboards on the property shall be removed.
4. An opaque privacy fence six feet (6') in height shall be constructed along any property line that abuts residentially-developed property. Fencing shall be consistent with primary building materials in terms of style and materials. Chain-link fences of any type are not permissible.

5. A landscape plan shall be approved by the Planning Director prior to formal landscape plan submittal. Approval shall be contingent upon the following:
 - a. A minimum of twenty percent (20%) of the site shall be retained as open green area inclusive of stipulated buffer area and any storm water retention ponds on the site.
 - b. A minimum of fourteen percent (14%) of the parking area shall be green area which shall also qualify as part of the required twenty percent (20%) green area requirement.
 - c. Two (2) trees shall be required for every four hundred (400) square feet of the required green area.
 - d. Landscaping materials, scale, and concepts should be consistent throughout the site.
6. Retention ponds, if used for stormwater management, shall be designed to serve dual functions to moderate the effect of stormwater runoff on downstream facilities and the environment. The use of detention ponds for stormwater management is prohibited. Alternative mechanisms to manage stormwater may be pursued including the use of off-site features contingent upon approval by affected property owners. Retention ponds shall act as an on-site amenity via use of aerators or other features comparable to Hampton Roads Center or the Sentara Careplex facility.
7. A landscape buffer area a minimum of ten feet (10') in width, which shall not consist of just grassy areas but may consist of grassy areas with trees and/or shrubs or groupings of trees and/or shrubs consistent with the landscape requirements set forth in condition 5 above, shall be maintained along all boundaries other than the entrance area along Libby Street, areas encompassed by utility easements and other areas where, in the reasonable discretion of the Planning Director, the configuration of the Property does not allow for same.
8. The maximum gross floor area of each floor of any building shall not exceed 50,000 square feet. Single uses within any freestanding building on any parcel (other than those that

are ancillary to a permitted hotel and/or motel use) shall have a minimum gross floor area of 3,000 square feet.

9. A conceptual site plan shall be approved by the Planning Director prior to formal site plan submittal. Approval shall be contingent upon the following:
 - a. Loading docks, trash collections, and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent residential properties and public streets. Screening materials shall be of a type and quality consistent with the principal materials of the building and landscape. No delivery, loading, trash removal or similar operations are permitted between the hours of 10:00 p.m. and 7:00 a.m., except for emergencies or with the prior permission of the Director of Codes Compliance (Zoning) and steps are taken to minimize noise and impacts to adjacent properties.
 - b. Sidewalks shall be provided along any façade featuring a customer entrance or exit and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade of the building to provide planting beds for foundation landscaping.
10. A sign package shall be approved by the Planning Director prior to submittal of sign permit application. The Planning Director shall consider the following:
 - a. Coordination of materials in a manner that complements approved building elevations in style, materials and colors.
 - b. Coordination of location of signs on building elevations.
11. Building elevations shall be approved by the Planning Director prior to submittal of a building permit application. Approval shall be contingent upon the following:
 - a. Development shall, at a minimum, satisfy a level of quality represented by the attached elevations representing the respective uses.

- b. Building shall be compatible in terms of scale, height, design, materials, and color schemes.
- c. Predominant exterior building material must be of high quality, such as brick, wood, sandstone, other native stone and integral color/textured concrete masonry units. Smooth-faced concrete block, tilt-up concrete panels, vinyl siding, or prefabricated steel panels are prohibited as the predominant exterior building material. Roofing materials shall consist of architectural/dimensional shingles or standing seam metal.

05-0200 Rezoning Application No. 1200 by K. Scott Roberts to amend proffers of Rezoning Case #1188 for 0.46± acre at 1810 E. Pembroke Avenue, zoned Neighborhood Commercial District (C-1). The Buckroe Neighborhood Plan, an addendum to the 2010 Comprehensive Plan, recommends residential transition uses for this general area. C-1 zoning allows a mix of retail sales of convenience goods, personal services, multi-family, and offices.

ACTION: **Approved** on second and final reading, subject to the following five (5) conditions:

1. A proposed flower shop consisting of a combination of building materials such as brick veneer, wood siding, cement board, EIFS and/or similar/compatible materials with fiberglass shingles or metal roof.
2. A 6-feet tall wooden or PVC privacy fence will be provided adjacent to the abutting properties on Marion Road and Ford Road along the southerly boundary of the property. The area along the north side of the fence will be landscaped.
3. Required site lighting will be selected and installed to redirect lighting inward to the site and away from the residences to the south of the property.
4. The development of the property will be substantial in conformance with the conceptual plan prepared by T.J. Savage dated October 21, 2004, and submitted with this application.
5. Permitted uses shall include those uses permitted in the C-1 District (Neighborhood Commercial District) and all other uses described in Chapter 11 except:
MD-T residential uses

Public or private automobile parking lots
Baths, Turkish or massage parlors
Gasoline supply stations
Marine supplies; pleasure crafts
Promotional events
Taxicab offices
Commercial communication tower/antenna
Mobile/manufactured home parks and subdivisions
Motels
Hotels
Rooming houses
Adult day cares
Day cares 1, 2 and 3
Detention facilities
Group homes
Halfway houses
Juvenile residences
Orphanages
Shelters and/or tourist homes

12. 05-0201 Rezoning Application No. 1201 by Old Point National Bank to amend the proffers of Rezoning Case No. 1078 to permit a drive-up automated teller machine (ATM) on a 0.27± acre parcel at 357 Woodland Road that is zoned Neighborhood Commercial District (C-1). The 2010 Comprehensive Plan recommends commercial mixed use in this area. C-1 zoning allows for a mix of retail sales of convenience goods, personal services, multi-family housing, and offices.

ACTION: **Approved** on second and final reading subject to the following conditions:

1. Development of the subject property shall substantially conform to the accompanying conceptual plan prepared by Coenen & Associates, dated March 16, 1998.
2. Use of the subject property shall be limited to banking and other financial services, as well as associated and/or accessory uses such as, but not limited to, parking and driveways.
3. All lighting on the subject shall be directed inward and away from adjoining residential properties and roadways.
4. A landscaped buffer shall be maintained along the northerly property line having a width of at least 12 feet. New plant material within the landscaped buffer shall be installed within six (6) months after obtaining rezoning approval.

5. Applicant will attempt to retain the large magnolia tree and live oak tree along the northern property line.
6. Along the westerly property line, a chain link fence with privacy slates will be installed similar to the existing chain link fence along the rear of the applicant's property.
7. Along the northerly property line a privacy fence constructed of wood, or an alternate material, shall be installed from the rear or west of the northerly property line and extending toward Woodland Road as far as permitted by applicable codes. A chain link fence shall not be permitted along the northerly property line.

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Clerk of Council